REMARKS

The Pending Claims

Currently pending are claims 101, and 115-126.

Summary of the Office Action

In the Office Action dated September 14, 2007 (hereinafter "the Office Action") the Examiner rejected claims 115-117 under 35 U.S.C. 112, second paragraph, as being indefinite for depending from a cancelled claim. Claim 115 has been amended to depend from currently pending claim 101.

Claims 101, 118, 121, 123, and 126-127 stand rejected under 35 U.S.C. 103(a) as obvious over US4,837,020 to Mise et al. ("Mise") in view of US5,188,064 to House ("House"); Claim 119 stands rejected as obvious over Mise in view of House and further in view of US4,957,063 to Heitfeld et al. ("Heitfeld").

Summary of the Amendments

Claim 101 has been amended to more clearly define the invention. Specifically, the porous and fissurous structure of the activated alumina has been clearly called out. Additionally, claim 127 has been canceled and the limitations thereof have been incorporated into claim 101, i.e., the size range of the activated alumina particles is dependent on the particle size and density of the particles of absorbent material.

Claim 115 was amended to depend from pending claim 101. Thus applicants respectfully request that the objection under 35 USC 112, second paragraph be withdrawn.

The amendments to the claims are fully supported by the original specification and add no new matter. Support for the amendment to claim 101 can be found in, for example, paragraphs [0040]-[0042] of the original specification. Support for the amendment to claim 115 can be found in, for example, paragraph [0055] of the original specification.

Discussion of the Prior Art Rejection

On page 3 of the Office Action, the Examiner states that "Mise discloses a deodorant composition comprising (a) D-glucosaccharoascorbic acid and (b) a ferrous compound and/or a cupric compound…components (a) and (b)…may be used as support on a porous material such as activated carbon and activated alumina. Deposition on such a porous material can be accomplished by preparing a solution of the deodorant composition, impregnating the porous material with a solution and drying the same."

Applicants respectfully submit that Mise does not disclose activated alumina particles having pores and fissures to provide odor absorption ability in animal litter. In contrast, Mise discloses "a deodorant composition comprising (a) D-glucosaccharoascorbic acid and (b) a ferrous compound and/or a cupric compound" wherein "[d]eposition on [a] porous material can be accomplished by preparing a solution of the deodorant composition, impregnating the porous material with the solution and drying the same. A deodorant product having excellent deodorizing activity can be manufactured by selecting an alkaline porous material such as activated alumina, which is among said porous materials, and depositing the deodorant composition thereon." (See col. 2, lines 50-60.)

Thus, Mise discloses that a solid deodorant product can be formed by impregnating the pores and fissures of the activated alumina with the D-glucosaccharoascorbic acid and ferrous and/or cupric compounds. Mise also discloses that a liquid deodorant composition can be formed by preparing an aqueous solution or dispersion of D-glucosaccharoascorbic acid and ferrous and/or cupric compounds. The resulting deodorant composition comprising D-glucosaccharoascorbic acid and ferrous and/or cupric compounds provides "excellent deodorant effects by removing the offensive and foreign odors rapidly" (abstract; col. 2, lines 31-39). Thus, it is the presence of the D-glucosaccharoascorbic acid and ferrous and/or cupric compounds that provide the odor control, not the activated alumina.

Additionally, Mise discloses that the odor-absorbing efficacy of the activated alumina alone is not sufficient (See col. 4, Table I). Specifically, Table I measures the gas permeability rates (%) of deodorant compositions supported on activated alumina (Samples A-D) and of activated alumina alone (Sample E). Applicants respectfully

submit that Mise clearly teaches away from the use of activated alumina in the manner claimed by Applicants.

Applicants claim the odor-absorbing properties of activated alumina having pores and fissures in animal litter and, more specifically, that the porous and fissurous structure of the activated alumina provides the odor absorption. It is submitted that impregnating (a) D-glucosaccharoascorbic acid and (b) ferrous and/or cupric compounds onto activated alumina, precludes the activated alumina from absorbing any additional odors. Thus, the odor controlling activity disclosed and taught in Mise is attributable to the combination of D-glucosaccharoascorbic acid and ferrous and/or cupric compounds, not the activated alumina. This is further evidenced by the fact that activated alumina is but one support material disclosed. Others include paper, cloth, nonwoven fabric, and plastic film. (col. 2, lines 50-63)

Thus, it is submitted that Mise does not disclose, teach or suggest the activated alumina claimed by Applicants, i.e., odor-absorbing activated alumina particles having pores and fissures wherein the porous and fissurous structure of the activated alumina provides odor absorption.

CONCLUSION

In view of the amendments and remarks above, the claims are believed to be in condition for allowance. An early and favorable consideration of this Response is earnestly and respectfully solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to our Deposit account number 032270. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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